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2 **Town of Framingham Planning Board Meeting**  
3 **January 20, 2004**  
4

5 In attendance are Helen Lemoine, Chairperson, Larry Marsh, Vice Chairperson, Ann  
6 Welles, Clerk, Tom Mahoney and Carol Spack. Also present is Jay Grande, Planning  
7 Administrator and Carol Pontremoli, Administrative Assistant.  
8

9 Meeting was called to order at 7:45 pm  
10  
11

- 12 I. Miscellaneous Administrative  
13 517 Worcester Road – sign an Occupancy Permit  
14

15 Wal-Mart - sign an Occupancy Permit  
16 .  
17

- 18 II. Public Hearings  
19 **Continued Public Hearing for Definitive Subdivision Plan Approval and**  
20 **Public Way Access Permit, Brookbury, 97 Brook Street**

21 Documents 171-04, 172-04, 174-04, 176-04

22 Fermo Bianco, Fabco Enterprises, Joe Sullivan, MacCarthy & Sullivan  
23 Engineering.

24 Jay noted that the Board was waiting for comment from DPW and Fire Dept  
25 letter. Joe Sullivan explained the changes to the actual site plan. He was  
26 under the impression he was to loop but now finds out he needs to move the  
27 hydrant.

28 On the center island the landscaping will include pear, shamrock inkberries,  
29 and hydrangea.

30 Joe also went over the 7 items requested, sidewalks, streetlamps, pedestrian  
31 crosswalk(s), landscaping (which is shown on the plans) landscaping around  
32 the transformers. Ann suggested the Inkberries would cover the transformer.  
33 When they did the drainage design, they took the road and front of the houses  
34 into consideration and suggested that only the back of the houses would have  
35 roof drains. The sloping capacity is a problem; they have four sewers with  
36 one sewer under a root of a tree. They have asked DPW to remove the root  
37 but it has not yet been done. They have no problem with condition 8 or 9. In  
38 number 10, there will be concrete for the sidewalks.  
39

40 Ann asked when moving the fire hydrant will they make any other changes to  
41 the plan. Larry asked about the cost of the sidewalk and grass strip. He feels  
42 if they want both they should speak up tonight. Helen does not feel that it  
43 would not be necessary to have sidewalks on both sides of the street in front  
44 of the three houses. Tom feels this subdivision does not warrant sidewalks on  
45 both sides of the street. Carol feels the sidewalk should go from Brook Street

1 and do a loop and end at all four lots. There will be granite curbing  
2 throughout the subdivision. Ann asked if there is a lamppost on every lot and  
3 would it be maintained by the homeowner. Ann feels the idea of lighting  
4 being a lamppost on each lot in a neighborhood is great.

5  
6 Jay asked the Board to retrieve the Covenant document #174-04 and the  
7 reissued document # 2088-03. Under definitive and preliminary hearing – pole  
8 and light poles – Jay will add the waiver. Ann asked about roof drains. Jay  
9 noted condition 2 and 3 are the same? Condition 4 & 5 are the same. 6 is the  
10 same with deletion of word “office”.

11 Condition 7, 8, 9 are the same. In condition 10, Jay added covenant condition.  
12 11 had typos, 12 is the same. 13 has changed and 14 has changed. He has  
13 modified the current plan – no cut zones. 15 had typos, 16 is the same, 17  
14 should be maintenance of the homeowners. Number 18 has some corrections.  
15 In 19 after the word subdivision requirements remove the word “drains”- Tom  
16 also saw a typo in the words roof gauge has an extra “g”. Number 20, and  
17 number 21. Joe would like to stake the permanent monuments after the  
18 landscaping but prior to the occupancy permit issuance. Jay would like to  
19 modify #21. He would add all the lot corners will be marked in the field.  
20 Number 23 is the same. In number 26, we will need to delete this because  
21 there is no riprap. Number 27 will need to be modified to say that individuals  
22 will add one light post to their front yard – within 10 feet of the street lot line.  
23 All transformers are to be screened with landscaping. Traffic Management  
24 will need to change from Edmands Road to Brook St. We will need to add the  
25 applicant shall install a crosswalk.

26 The Planning Board upon approval will require the applicant to provide  
27 money for a 593 consultant for closing. Carol asked how the consultant  
28 would be used. Jay suggested there would be three points.

29 In number 34, grading curves have not been scrutinized in the past. Jay would  
30 like to see this going forth. Number 37, we may not need anymore. Jay  
31 suggested they delete it. In number 38, Joe feels this can leave an opening.  
32 Carol suggests changing the wording to construction tolerances. Tom used an  
33 example from his own experiences at his work. Carol feels this would be  
34 Joe’s certification on line. Ann would like to add the words construction  
35 tolerances as deemed by DPW.

36 Jay will need a revised plan. Joe feels the condition which states the use of  
37 CAD/CAM should be changed as he feels this program is too difficult to use.  
38 Carol asked about a no cut zone. Carol wanted to know if Fermo could work  
39 with a 15 feet buffer zone for lots 2 and 3.

40  
41 **Tom Made a Motion to waive the requirement of the diameter of the**  
42 **sanitary line and also waive the two side walks and the third waiver for**  
43 **light poles. Ann seconded the motion. Voted 5 -0**

44  
45 **Tom made motion for approval of the subdivision as set forth in the**  
46 **decision document and as discussed tonight. Larry seconded. Vote 5 -0**

**Tom made a motion for approval of the public way access permit. Larry seconded. Vote 5 – 0**

Continued Public Hearing, Modification or Rescission of Definitive Subdivision Plan Approval, Doeskin II, 70 Carter Drive  
Peter Barbieri in attendance. Helen asked Jay if we are set to go. Jay noted the Planning Board is waiting for \$20,000 performance guarantee and a check for 593 consultant. The check for \$5200 for the 593 consultant was received today. Peter noted the \$20,000 is delayed buy the bank. Chris went out on his own and got the money. Peter feels the bank has sent this to their attorney for review. Carol asked if the Board set a deadline, would that help the applicant. Carol noted she didn't feel the Board would start the 593 consultant without the entire funds.

Ann fines it worrisome that the check is in the mail. She felt the money should be in escrow. Peter noted the bank has all the paperwork. Carol feels there should be a deadline. Ann would like to see it extended two weeks. Peter asked if he could send a letter to the bank asking for them to expedite the check and give the Board copies. Larry feels there is no recourse if the Board demands and the applicant didn't comply.

**Carol made a motion that the planning board extend 30 days to get the bank to sign and have the Board receive a check.**

**Tom seconded. Voted 5 approve to 0 oppose.**

**Continued to February 24 at 7:45 pm**

Continued Public Hearing Definitive Subdivision Plan Approval, Modification to a Scenic Road, Public Way Access Permit, Fenwick Farms, 70 Fenwick Street To Be Continued to February 17, at 7:45 pm

Tom made a motion to waive the limit of 2 hearing per night and schedule a third public hearing on Feb 17.

Seconded (record #675)

Voted 3 approve to 2 opposed (Ann and Carol)

Dunkin Donuts, 517 Worcester Road Occupancy Permit

Paul Galvani is attorney, Babar Khan.

They noted there is no electricity, landscaping, the pavement is not complete; there is a large unit that should be screened. They feel a chain-linked fence would not give it enough and the applicant is willing to put up a cash guarantee. There also is written in the decision to have a parking lot attendant during the peak times to monitor traffic.

**Larry made a motion to recommend a temporary occupancy permit thru May 15 subject to completing the four items discussed and with the approval of Engineering for the amount of the bond.**

**Carol Spack Seconded**

**4 approve 0 oppose with Tom Mahoney abstaining**

Continued Public Hearing, Special Permit for OSRD, Definitive Subdivision Plan Approval, Modification to a Scenic Road, and Public Way Access Permit, Ford's Meadow, 45 Nixon Road  
Paul Galvani, Attorney, Stew Mayer, Nexum Development, Jay Billings, Northeast Geo Science and Jim Iversky, and Peter Baril, GZA (593 Consultant)

Jay noted the issue of the wells. The Board has received a revised set of plans. The last step is the scenic road.  
Jay would like to have Peter Baril speak. Peter has received an updated set of plans. Deshang Wang sent a letter to Peter. Peter has also written a letter to Jay. He notes several items. The first is emergency spillways be increased to 20 feet. There are still some discrepancies. Pump size has been noted in number 8. In item 10 they discuss the Nitrogen loading.

Ann asked about the Nitrogen Loading if there could be a spread of the nitrogen over the site. Peter responded what the requirements were and that the applicant has met those requirements.

Ann noted in Title five (15.4.2.8). and asked what structures would be poking out of the ground. Peter noted the Bio-clear unit has a cylinder type unit, there may be a small shed for controls and would imagine some vent pipes. Stew went to the plan and showed where the Bio-clear would be. He noted the four foot structure would be 350 feet from scenic road. Ann noted that the DEP would have control. Peter doesn't feel this fall within the DEP.

Ann asked about Storm water? She wants to know if there is an impact. Peter feels this has been covered by the applicant. He also feels the engineer should be onsite on a regular basis making sure that erosion control is watched and maintained.

Ann wants to know if the increase in the impervious surface is reasonable. Stew Mayer answered there will be no impact. Ann would like to hear Peter Baril's comments.

Carol asked about paragraph 8 and the pumps. What is the noise level? She imagined it would run continuously. Peter noted it would only run when the water gets to a certain level. Maybe a couple times a day. The pump is underground.

Ed James, on the Nitrogen area, what figures were you using? Peter noted they did a preliminary loading area. 25 milligrams over 30 gross acres. On the new plans that came yesterday for the common driveway. There is a 1to1 ratio on the slope. Peter noted under other issues the ratio is still 1to1. It is Peters understanding that they will be going back to a 4 to 1.  
Stew noted they would be working with a riprap slope. Ed James noted the natural swirl goes down and onto his property. Jay feels on the grade change, once where the water has been interrupted and what is now discharging in to the existing swale, there is an increase amount of water instead of dispersing

1 over a larger area. Second concern is that it does go to a catch basin. Peter  
2 has not seen the new revised plans until tonight. He has not seen a 4 to 1 plan.  
3 Peter will take another look at the new plans.  
4

5 Larry is still unsure on the plans and asked if they are saving trees? He is still  
6 unclear. He doesn't want to come back and review this again. Larry noted  
7 the comments brought forward are different and would like Peter to give his  
8 comments. Helen noted it still shows 2.5 to 1. Larry notes he feels Peter is  
9 looking at a slope of 2 to 1. Helen asked Jay if we are going to have a final  
10 plan.  
11

12 Stew Mayer – just as clarification as he considers the issues. In terms of  
13 being proactive – they can do a 2.5 to 1 ratio but there would be run off.  
14

15 Ann asked if there would be riprap or would there be soil.

16 Peter noted there could be grasses or small trees. Stew agrees with what Peter  
17 said. It would take several years for it to regenerate. It would take a period of  
18 time.

19 Peter noted that 1 to 1 is not a stable slope. 2.5 to 1 would be better. He felt  
20 that 4 to 1 would be too much. Ann asked what the area of disturbance  
21 would be at the base of the slope. Stew noted there would be 8 feet.  
22

23 Ed James noted the slope is 16 feet from the road to Fieldman's property.  
24 Sue Bernstein noted if there are five or more wells there will need to be a  
25 nutrient loading analysis. She knows there was some discussion of the  
26 reserved area. Giving this is 24 units, can you say with some certainty that  
27 the system will not fail.

28 Peter does not feel that there is anything that can withstand the test of  
29 perpetuity.

30 Jay noted in the regulations. Peter noted Title V regulations.

31 Helen feels that Peter has answered the question more than two times.

32 Larry would like to move on. Tom is satisfied with Peter's answer.

33 Ann wants to know if the Subdivision regulations state there warrants a study.

34 She feels that Sue has asked about the wells being 400 feet.

35 Peter needs to go back and look – he doesn't remember if there are any wells  
36 within 400 feet.

37 Tom asked for a clarification on the leaching field. Is it required to be 400  
38 feet from the well? Peter said no. The regulations were revised back in 1995.

39 Carol asked Peter when he looked at community septic systems of this size,  
40 what is the typical life expectancy of a leaching field? Peter doesn't feel he  
41 can answer this question. He noted 20 plus years. Peter noted the technology  
42 has not been around for long so there is no documentation. Carol asked if  
43 there was a need, where would the other areas be located.  
44

45 Stew would like to follow-up on the wells. He noted that Jay Billings gave  
46 documentation to Jay and Jim from White Water Inc.

1 Jay Billings noted he submitted data on other systems. He noted all systems  
2 are different but was able to find some that were close. He spoke to these  
3 towns about safety factors. The second level of safety is 25% below the level.  
4 He asked the towns if there were problems. They noted only if there is a leak.  
5 He further noted these systems were all bedrock wells.

6 Ann remembered also asking how many failed. If the stability factors built in  
7 were insufficient they would change them.

8 Jim from White Water is in the operation and runs wastewater systems for  
9 Framingham. He searched the Framingham area to try to find a comparison.  
10 He has been operating systems for 15 years. Tom asked Jim if a system falls  
11 out of compliance what steps would be taken. Jim noted it is the same steps  
12 that Framingham follows.

13  
14 Kathy Vassar, Town Meeting Member Precinct 4

15 She wonders if topography has any being. Jay noted it did.

16 Kathy asked what the depth would be. The well on site is 1,200 feet. Her  
17 concern is that deeper wells have more problems. There are two wells in  
18 Hopkinton that he spoke about. Jay noted that the pump in this well is set for  
19 600 feet. Kathy's concerns are for well failures. In this case there will be 25  
20 homes that could range from minor inconvenience to no water at all. If you  
21 have to work on the well or replace it, what will be done and what is the  
22 turnaround time.

23 Jim noted they can be there within one hour and can be fixed within two  
24 hours.

25 Ann noted that the Skinyons and the Vatchers noted they were not notified  
26 there was to be testing. Barbara Wasley, 19 Dartmouth – she feels that in the  
27 last two to three weeks that her wells have been pulling up more particles. She  
28 has had to replace her water heater. Another family had to redo the well last  
29 year.

30 Ann feels the Board needs to know that this well will not hasten problems  
31 with the surrounding wells. The recommendation in tonight letter, page three  
32 under water supply, does this work out to 43 bedrooms?

33  
34 Peter has not had a chance to review the letter distributed tonight but the crux  
35 of the matter is the number of bedrooms. It comes down to what the water  
36 can support.

37  
38 Carol Spack noted the well was dug at 500 feet and the next 600 feet that  
39 didn't not bring any more water? Is there another site where there would be  
40 other water?

41 Jay Billings noted there are options. In looking at the plans you could put  
42 another well on the access road.

43  
44 Carol asked Jim- if you had to build another well in bedrock. If you stay  
45 within the 50 foot where would you put another well onsite? Jay agreed they  
46 would need more research for a second well.

1 Stew would like to back up; he asked if that is going to be the process the  
2 board is going to take, he doesn't feel they will get to the point where they  
3 need to get to due to Helen not being here for two weeks and then the Board  
4 will be changing.

5  
6 Ann read a letter from the Board of Health that feels she will not be able to  
7 agree to this as it stands.

8 Stew Mayer asked when this would be continued. Helen felt February 24<sup>th</sup>.

9  
10 Larry asked about changing the schedule for this applicant.

11 Tom suggested they cut back the time for next week for the Arcade of  
12 Framingham.

13  
14 Helen asked if the Board is willing to bring back Nexum Development next  
15 Tuesday, January 27, 2004 at 7:35 pm

16 Helen asked what the agenda for next week will be. Stew would like to have  
17 some discussion this week and then report back to the Board next week.

18 Larry asked what will be on the agenda for Nexum. Stew would like to  
19 resolve the wells and then move on to landscaping.

20  
21 Carol Spack asked the relationship of condominium ownership to the  
22 subdivision regulations – she brings this up due to the correspondence from  
23 Ed James.

24 Paul Galvani spoke on this and feels that this has been addressed by General  
25 Counsel Mark Bobrowski. Paul feels that Metrowest Engineering is giving  
26 legal opinion on items that have previously been decided.

27  
28 Kathy Vassar asked if they could get back to discussing the reserve tank. Jay  
29 Billings noted it is a 2000 gallon tank and is sufficient to supply the project  
30 for two days.

31 Stew is not saying this is inaccurate. He feels he has followed protocol and  
32 will be willing to monitor the well but frankly he is not willing to expend any  
33 more money.

34 Kathy has noted the homeowners have been placed in a bad spot. She has  
35 talked to two people and they have substantiated well problems.

36 Ann asked what is left for testing.

37 Jay Billings noted they will only have to follow the DEP instructions.

38 Ann asked if they would be willing to do one more test but to give the  
39 neighbors notice.

40 Larry asked when they did the original testing; they did the testing on the  
41 wells that they owned. They had to be done on wells that were not involved  
42 with families. Larry doesn't understand why they would not want the  
43 neighbors there. Ann feels the abutters should be notified and the test run.

44 They should be given a chance to see there is no change.

1 Stew has again noted they do not have a final date of DEP approval and may  
2 not for some time.

3  
4 Helen asked the members if they made a decision it would be before April.  
5 Helen asked Peter what kind of notice would the neighbors see. If they are  
6 not going to see any difference what would they see?  
7 If they are not seeing anything what is the use of doing this test.  
8 Ann asked what would cause the Wasley's experience the sediment.  
9

10 Helen signed the extension until February 27, 2004  
11

12 Larry made a Motion to Adjourn  
13 Seconded by Ann  
14 Voted 5 approve to 0 oppose  
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16  
17 Respectfully submitted,  
18

19 Carol A. Pontremoli  
20 Recording Secretary  
21

22 **\*\*THESE MINUTES WERE APPROVED AS TRANSCRIBED AT THE**  
23 **PLANNING BOARD MEETING OF FEBRUARY 8, 2005.**  
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28 Thomas Mahoney, Chairman  
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